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HAMILTON COUNTY CLERK OF COURTS**

COMMON PLEAS DIVISION

**ELECTRONICALLY FILED
December 5, 2020 08:44 AM
AFTAB PUREVAL
Clerk of Courts
Hamilton County, Ohio
CONFIRMATION 1012404**

STEVEN PENNY

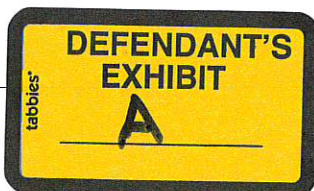
A 2004247

vs.

**COTTINGHAM RETIREMENT
COMMUNITY**

**FILING TYPE: INITIAL FILING (IN COUNTY) WITH NO JURY
DEMAND**

PAGES FILED: 7



EFR200



VERIFY RECORD

**COURT OF COMMON PLEAS
CIVIL DIVISION
HAMILTON COUNTY, OHIO**

	:	CASE NO. _____
Steven Penny	:	
11383 S. Lebanon Road	:	
Cincinnati, OH 45241,	:	
Complainant,	:	
v.	:	
Cottingham Retirement Community	:	
3995 Cottingham Drive	:	
Cincinnati, Ohio 45241,	:	
And	:	
Rochelle Watson	:	
Cottingham Retirement Community	:	
3995 Cottingham Drive	:	
Cincinnati, Ohio 45241,	:	
Respondents.	:	

COMPLAINT FOR HARASSMENT AND OTHER TITLE VII VIOLATIONS

Now comes Steven Penny, Complainant herein, by and through his attorney, Rose Ann Fleming, complaining of harassment against Cottingham Retirement Community, an employer of more than 20 employees, located at 3995 Cottingham Drive, Cincinnati, Ohio, 45241, whose business is the residential care of the retired and elderly citizens of the United States, particular those living in the greater Cincinnati area. Complainant's Right to Sue Letter from EEOC is

attached, approving this complaint based on retaliation and disability and other Title VII violations.

Steven Penny lives at 11383 S. Lebanon Road, Cincinnati, Ohio 4524; he is a 40 plus year old, male Caucasian employee in the Nutrition and Kitchen sections of the Cottingham Retirement Community, working directly under the supervision of Rochelle Watson, a female African American.

Attached is an affidavit of Steven Penny recounting a pattern of harassment incidents which he has experienced over the past two years, the last of which occurred within the last 30 days. These incidents recount such violations of the Title VII law as follows:

1. Ageism. Steven Penny is over forty years old with a several years' experience in food preparation and food selection in the retirement home business; he has experienced multiple, if not daily corrections from his supervisor which were public for other staff employees hear in an effort to correct him.
2. Bullying: Steven has support from other African American Employees over the bullying he has sustained from Rochelle Watson.
3. Disability: Steven has a physical disability which is diabetes. He has been told by his physician that he must keep hydrated, which necessitates frequent trips to the bathroom. His disability was known to his employer at the time he was hired. Rochelle Watson has stated to Steven that he must asked her permission to go to the bathroom and that she does not have to grant his request.
4. Race and Gender: Steven believes that Rochelle Watson, frequently, if not daily, tries to disgrace him publicly before other employees because he is male, and is well trained and knowledgeable in the nutrition for the elderly and other employees look

up to him. Steven alleges that Rochelle feels threatened by Steven's gender and his experience and wants to make sure she holds power over employees and thus label Steven as nothing.

5. Retaliation. Steven has filed a number of charges with the Human Resources Department at the Cottingham Retirement Community, although Steven has never directly heard back from the HR Department. Steven believes that Rochelle Watson retaliates against him by verbally correcting him in front of other co-workers.

WHEREFOR, for the above stated reasons, and all the other reasons mentioned in the attached Affidavit, the Complainant requests a Right to Sue Letter so that he may get some judicial relief from this constant harassment at his place of employment.

/S/Rose Ann Fleming
Rose Ann Fleming,
S. Ct. # 0041337
Attorney for Steven Penny
ROSE ANN FLEMING, P.C.
3836 Ledgewood Drive, Suite 1
Cincinnati, OH 45207
Phone: 513-745-3648
Fax: 513-745-4282
Email: fleming@xavier.edu

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the above Complaint was served on Cottingham Retirement Community, 3995 Cottingham Drive, Cincinnati, Ohio 45241, on December 3, 2020 by certified mail.

/S/Rose Ann Fleming
Rose Ann Fleming, (0041337)

**AFFIDAVIT OF STEVEN PENNY, EMPLOYEE,
SUPPORTING HIS COMPLAINT OF HARASSMENT AND
DISCRIMINATION AGAINST COTTINGHAM RETIREMENT HOME,
EMPLOYER.**

State of Ohio)
)SS:
County of Hamilton)

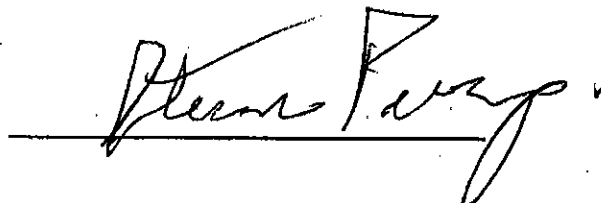
I, Steven Penny, undersigned Affiant and Complainant, having been during warned and cautions, do hereby depose and state:

1. My name is Steven Penny, I have been employed at Cottingham Retirement Community, 3995 Cottingham Drive, Cincinnati, Ohio 45241, for approximately two (2) years.
2. I am a full time hourly employee; I was hired with the understanding that I would have at least 8- hour work days, five (5) days a week.
3. My position at Cottingham is in the culinary area. I help to prepare the meals that are served to the residents and I provide clean up kitchen services, washing pots, pans, dishes and utensils used in the culinary area of the nursing home.
4. During that time, my supervisor has been Rochelle Watson.
5. Ms. Watson has made a practice on a daily basis to belittle me constantly. She does this in my hearing to new staff and to experienced staff.
6. Almost daily, Ms. Watson humiliates me in public by saying loud enough for others to hear her scolding me: "You should not be putting the dish machine controls on low; I have told you to put 160 degrees to 180 degrees on paper", which are not the controls that the dish machine shows.
7. When I do something that appears to be what she wanted, Ms. Watson compliments someone else, rather than me. For example
8. On January 16, 2019, Ms. Watson told me in public to raise up my shirt and then raise up my pant's leg. I felt extremely uncomfortable following her orders. She said that I was not to wear clothes, in particular long johns, under my clothes to keep warm.
9. I find that often Ms. Watson will tell me to do something that is the opposite of what she intends to do. When I follow her directions, she berates me publicly for not doing the opposite of what she said. For example in October, 2019, Ms. Watson told me to help with

the prep. When I do, she tells me that is not what she told me to do. This creates a very confusing and toxic work atmosphere.

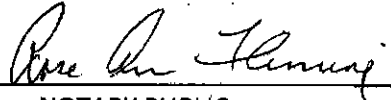
11. On November 4, 2019, another worker told me that Ms. Watson never asks them where they are going; a second worker said that she noticed that Ms. Watson bullies me and harasses me. For example, I told Ms. Watson that the dish machine was low on soap and she told me to get out of her office.
12. On April 19, 2020, when I had to go to the restroom, Ms. Watson asked "why". I told her that I am diabetic. She pretended that she did not know that I was diabetic, saying: "I did not know you were", although I told Cottingham on my application when it hired me.
13. Early on July 8, 2020, Ms. Watson received a message that my Dad was in the Hospital and urgently need to talk with me. She did not tell me until later that day, when she asked if I had spoken to my Father; when I said no, she told me that she had a call that he was in the hospital.
14. On July 12, 2020, Ms. Watson said to me in front of all the other employees, "Your shirt is inside out and I needed to check myself". I was embarrassed. I did check my shirt immediately. It was not inside out and the other employees witnessed that it was not. Such every day put downs are humiliating to me and disrupts the work environment.
15. On July 16, 2020, Ms. Watson told new dishwashers that I am nobody, again, because I had told them to put on gloves when the clean dishes came out from the washier, otherwise, they would be touching clean items with dirty hands. Ms. Watson does not encourage her workers when they are handling food or touching clean dishes.
16. When I say that I am sick, Ms. Watson thinks I am lying. HR gave me a hard time when I went to the hospital for a Covid-19 test and submitted the paperwork to prove it. Ms. Watson wanted me to go home from work on July 19, 2020 saying that my record showed that I was out from work when that was not true.
17. I have made a practice of not talking back to Ms. Watson during these daily abuse sessions from her, in spite of the stress that this has caused me. I have complained to the Office of Human Resources, but it has done nothing to respond to relieve the stress of the above situations.
18. I am asking the EEOC to hear my complaint for harassment, discrimination, and toxic work environment and grant me the opportunity to be heard in Court.

AFFIANT FURTHER SAYETH, NAUGHT.

A handwritten signature in black ink, appearing to read "Steven Perry", is written over a horizontal line.

Steven Penny, Affiant

Sworn to before me and signed in my presence this 27th day of August, 2020.


NOTARY PUBLIC

My Commission expires: N/A



Rose Ann Fleming, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

EEOC Form 161-B (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Steven D. Penny**
11383 S. Lebanon Road
Cincinnati, OH 45241

From: **Cincinnati Area Office**
John W. Peck Fed. Bldg
550 Main Street, Suite 10-191
Cincinnati, OH 45202

☐ On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

473-2020-01571

Daniel F. Williams,
Investigator

(513) 914-6015

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

- ☐ More than 180 days have passed since the filing of this charge.
- ☒ Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.
- ☒ The EEOC is terminating its processing of this charge.
- ☐ The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**

- ☐ The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.
- ☐ The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Richard
Richard Burgamy Burgamy / dfw

Digitally signed by Richard Burgamy / dfw
 DN: cn=Richard Burgamy / dfw, o=U.S. Equal Employment Opportunity Commission, email=Richard.Burgamy@EEOC.EOS, c=US
 Date: 2021.08.11 12:38:49Z

Enclosures(s)

Richard Burgamy,
Deputy District Director

(Date Mailed)

CC: **Christine Bush**
Director of Business Services/HR
COTTINGHAM RETIREMENT COMMUNITY
3995 Cottingham Dr
Cincinnati, OH 45241

Rose Fleming, Esq.
ROSE ANN FLEMING, P.C.
3836 Ledgewood Drive
Cincinnati, OH 45241